

January 26, 2004

Mr. Thomas Dorman, Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

RECEIVED

JAN 28 2004

Frankfort, KY

Re: KIDZ CAPITOL and James Pratt vs. LOUISVILLE GAS & AND  
ELECTRIC COMPANY - CASE NO. 2003-00369

Dear Mr. Dorman:

Enclosed for filing is the Answer of KIDZ CAPITOL and James Pratt to the Commission's Order to satisfy or answer the November 17, 2003 Data Request.

If you have any questions regarding this filing, please contact us at (502) 718-0346.

Very truly yours,



James Pratt  
Controller

**FIRST DATA REQUEST OF COMMISSION STAFF TO KID'Z CAPITOL  
OF NOVEMBER 17<sup>th</sup>, 2003**

1. Kid'z Capitol was not made aware of wht the \$ 5,000.00 would be applied to. We were advised that LG&E has the right to set the amount of deposit they desired.
2. Kid'z Capitol requested the Commission to look into the matter immediately after the first request for deposit was made and amended the claim to include the remaining \$ 2500.00 .
3. Kid'z Capitol has asked for billing minus the \$ 13,084.97 and \$5000.00 deposit in question and Have been stonewalled by LG&E to provide any dollar figure due or current charges after the disputed amounts in question.
4. LG&E has had no written correspondence with KIDZ Capitol but we have maintained a log of Contact calls to LG&E in attempts to resolve the dispute as well as contacted the Commission Monthly in an attempt to find the current usage due. While we had no success Mr. Jeb Penny was Advised in November of \$ 1300.00 would satisfy that current due bill. When the amount of \$ 1300.00 was requested by LG&E (Kid'z Capitol) requested an itemized account of the charge And were told it was an estimated charge. Carolyn with the Lexington office was contacted by The office manager and ask for the breakdown on the usage. Carolyn explained that the amount Did not need to be paid until after a meter reading which we scheduled for 11/8/03. Staff arranged to meet LG&E at the building to get the reading-- the business had been closed since the beginning of November 2003.

LG& E Staff did not show on 11/8/03 for the reading. LG&E was contacted the following morning and got (Phil) who stated that he had received a notice from management that the full \$ 21,000.00 was due and that the case had been dismissed. That no partial payment would be Accepted. Kid'z Capitol immediately contacted Jeb Penny on 11/10/03 who advised us that the Information was inaccurate.

Mr. Penny received calls from us until Thanksgiving Eve in an attempt to work with Kid'z Capitol To try and get a response from LG&E ---TO NO AVAIL....

5. October 2, 2003 Response:

LG&E never advised Kid'z Capitol that it's application was not acceptable in September of 2002, Which requested services be placed in their name and than forwarded a letter requesting the effective date of 3/03. Service was on 3/03 when Kid'z Capitol and the Restaurant started remodeling to prepared to open 4/03.

The building was unoccupied from September 02 until April 03. (6months). Ms. Young allowed an LG&E contractor to come in to the building to take a reading 9/02 and was advised by contractor he was done-Ms. Young closed the doors of the business at that time and did not return to the building until 4/03. (There was no business operating at that location).

LG&E emerged on 7/25/03 demanding entrance to the basement-- which was locked and employees did not have a key or know where the key was located--but advised that they would Contact the owners. Mr. Chine was so angry with the staff he advised them that he would take The door off at the hinge, when the staff advised him to do what he had to do-- they still didn't Have a key and would contact the owners-- he was furious.

In fact--information per police assistance on 7/25/03 and before approximately 20 people, the LG&E representative initially claimed that Patricia Conner was stealing services from LG&E and that the restaurant was never open before -- for them to come and shut off services.

The actual call made by (a person aka. David w/ LG&E alleged that he was at the 522-524 Building to disconnect service and subject at location was threatening worker Unit # 734). Upon police arrival the nature of the cause changed to stealing of services.. Two of the Officers knew Ms. Young and came forward to talk with her.

*Police  
Report*

Ms. Young came forward with a Bankruptcy document, showed the police that she currently had protection from LG&E as a creditor. The police reviewed the document and advised Mr. Chine That there was nothing they could do to interfere (because the debt is protected under Bankruptcy). The police and Mr. Chine exit the building and Mr. Chine remained outside the front Door. (See Attachment 1)

**When feeling defeated:**

Mr. Chine; than contacts the Fire Department and advises the Fire Department that " there was a smell of odor of gas and that he needed to get into the basement to shut it off because it was overloading. The Fire Department assisted Mr. Chine in cutting off the electrical service by breaking down the door as approximately 20 onlookers observed. The LG&E "Mr. Chine", claimed to have found electrical service overloaded and disconnected the service to the electric only -Never bothered to shut off "the gas" despite the alleged danger it was supposedly to have presented (See Attachment 2 from Fire Report). *By the LG&E's own admission a gas problem overland existed - yet no adjustment made to billing. LG&E called in bogus reports?*  
Kid's Capitol sent Mr. Pratt to LG&E to ask why the service was never put in the name of Kid'z Capitol as requested, he was advised that they wanted to speak with Ms. Young before they would Give the business any service. Once LG&E determined that Ms. Young was protected by Bankruptcy. Than Kid'z Capitol became the "Scape Goat" of retaliation. It was than decided that LG&E would backdate all charges since the final reading Pat Young had in September 2002 and bill them to Kid'z Capitol.

Kid'z Capitol opened along with the restaurant 4/28/03, LG&E deliberately waited until this Business was up and beginning to grow to show up and shut them down without even a proper notice, demand or bill. How does one shut off service for none payment -- when LG&E managed To disregard their attempts to obtain service-- without notice. When did they realize it? Why Didn't they work for a positive solution? Why wait until the people are (3 months into business To address the matter?)

These questions have become the concern of many-- but the opportunity to work this matter to a realistic fair resolution-- has never been an afforded option for Kid'z Capitol. In a quake to continue to use LG&E as a personal battleground of power-- Mr. Chine has made false accusation, Lied to the police and then to the fire department all for a personal demonstration of power-- which he is continuously demonstrating (is far too personal and a strong display of abuse of authority). Kid's Capitol is working through it's board to determine possible legal liability.

6. L G & E advised us that they did not need to get into the building to read our meter and that our Services could be terminated from the outside.

Kid'z Capitol has sought to resolve this matter and to have it's services restored. We have been working through Mr. Penny and he (like us) has had little success or dialog from LG&E. Because Kid's Capitol has been seeking to resolve this matter and LG&E has been unwilling to Work with us - we hope the Commission realizes that if they are in fact having to write an Order to get a response from LG&E -- please entertain how difficult they have made our lives and Impacted our business.

It is sincerely felt that this is clearly an unusual display of personal animosity ( a demonstration Of abuse in -it's strongest since and we deserve the same treatment as the other businesses that do business with LG&E ) *without discrimination or fair practice .*

We look forward to your assistance in resolving this matter fairly.

Thank You

Kid'z Capitol and James Pratt

*PS. #5 LG&E falsified a reason of "New wiring" as the reason - they delayed restoring our services - that was untrue. We had met electrical approval before ever opening our doors. There was no "re-wiring" issues; just a continuation of the blatant misuse of authority & power.*

Attachment  
1

## Call Detail Information

Call Number 03072500518 Class G Taker RMI Pos 13 Call Owner no data Status C Date-Time-Received 2003-07-25 15:04:40 Inj 0  
 Complaint CUST OWN DIS Ten Code no data Priority 2 ESN 137 Disp Zone 21 IRA 0434 How Received PHONE  
 Incident Location 522 W MAIN ST Apart/Suite no data Floor/Bldg no data Incident City LOUISVILLE  
 Caller Name JOHN Fire Run Zone no data Fire Grade no data EMS Run Zone no data Telephone 502-627-3401 Jurisdiction LOUISVILLE  
 Tract no data Weapons no data  
☐ Images ☐ BOLO ☐ Warrant ☐ Medical ☐ Hazard ☐ Fire Plan ☐ Previous  
 CallRec'd Xmit Dispatch Enroute OnScene Departed Arrived Comp AlarmCode Unit  
 15:04:40 15:06:24 15:07:09 15:07:09 15:13:05 no data no data 16:34:46 no data 221  
 Narrative...  
 [7/25/2003 15:26:50 : CSEIDT]  
 Unit : 221  
 OK

[07/25/2003 15:06:24 : RMILLER]

Cross streets: //

DISTRICT 2 BEAT 1

NBH: CENTRAL BUSINESS DISTRICT

LG& E WORKER IS AT LOC TO DISCONNECT SERVICE AND SUBJ AT LOC ARE THREATENING  
WRKER. UNIT #734 WRKER DAVID

## Press Release Notes

no data

## Location Comment

DISTRICT 2 BEAT 1

NBH: CENTRAL BUSINESS DISTRICT

## Department Numbers

Department	Dept Number	Unit ID
LMPD	03-164299	221

## Call Dispositions

Date - Time	Disposition	Call Complaints Date - Time	Complaint	Action By
2003-07-25 16:34:46	HANDLED BY OFFICER	2003-07-25 15:06:45	DIS PERSONS	RMILLER

## Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odometer
221	ENR	2003-07-25 15:07:09	LMPD	POL	522 W MAIN ST, LOUISVILLE	DMOORE	0
222	ENR	2003-07-25 15:07:09	LMPD	POL	522 W MAIN ST, LOUISVILLE	STEPHENS/JO	0
222	REM	2003-07-25 15:12:58	LMPD	POL	REM	STEPHENS/JO	0
221	ONS	2003-07-25 15:13:05	LMPD	POL	522 W MAIN ST, LOUISVILLE	DMOORE	0
231	ONS	2003-07-25 16:05:15	LMPD	POL	522 W MAIN ST, LOUISVILLE	BHELLINGER	0
221	REM	2003-07-25 16:11:09	LMPD	POL	REM	DMOORE	0
239	ENR	2003-07-25 16:14:36	LMPD	POL	522 W MAIN ST, LOUISVILLE	GBURNETTE	0
231	DIS	2003-07-25 15:59:23	LMPD	POL	522 W MAIN ST, LOUISVILLE	BHELLINGER	0
231	COM	2003-07-25 16:34:46	LMPD	POL	COM	BHELLINGER	0
239	COM	2003-07-25 16:34:46	LMPD	POL	COM	GBURNETTE	0

DATE REMARKS

APPROVE

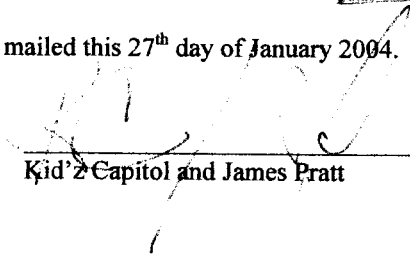
7-25

7-25 Sent to address in response to Lin Co request - problem w/ odors of gas. Met w/ F.D. personnel from Truck 1 and E2 and L.D.E. supervisor Mr. Roger Chaz. Overload in street vault resulted in Lin Dept call by L.D.E. - Incident #32165. Found electrical service overloaded per L.D.E. personnel - Power disconnected and restaurant to be closed until service returned by L. D.E.

Lin. Fire Department

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by first class mail, postage prepaid, on the <sup>Hand Delivered</sup> Data Request of November 17, 03 mailed this 27<sup>th</sup> day of January 2004.

  
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Kid'z Capitol and James Pratt